

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|-------------------------------|---|------------------|
| TRAVELERS CASUALTY AND SURETY |) | |
| COMPANY OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 4:05CV99-DJS |
| |) | |
| SOUTHWEST CONTRACTING, INC., |) | |
| RENEGADE CONSTRUCTION, INC., |) | |
| PHILLIP D. BONE, and |) | |
| CITY OF LEADINGTON, MISSOURI, |) | |
| |) | |
| Defendants. |) | |

ORDER

On January 28, 2006, plaintiff filed a motion for sanctions against defendants Southwest Contracting, Renegade Construction and Phillip Bone based on their alleged failure to comply with this Court's January 4, 2006 order granting plaintiff's motion to compel. Shortly after this motion for sanctions was filed, the Court issued on February 2, 2006 its order granting plaintiff's motions for partial summary judgment on Counts I, II, IV and V of the second amended complaint. The circumstances of the case may be so changed by the summary judgment rulings as to substantially affect the motion for sanctions, which in any event has not been fully briefed by the parties. The Court will therefore deny the motion for sanctions without prejudice to being refiled, with such modifications as are appropriate based on the

changed circumstances of the case, if plaintiff persists in its desire for the relief sought in the motion.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for sanctions [Doc. #128] is denied without prejudice.

Dated this 13th day of March, 2006.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE